A BELIEVER'S GUIDE TO

ZAKAT

A treatise on its rulings and etiquette in the Ḥanafī school

SHAYKH MUḤAMMAD HISHĀM BURHĀNĪ

TRANSLATED BY
Amjad Mahmood

And establish prayer and pay zakat; and whatever good you send before (you) for your souls, you will find it with Allah. Verily, Allah is Seer of what you do.

(2:110)

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TRANSLATOR'S INTRODUCTION

In the name of Allah, the All-Merciful, the Compassionate

All praise belongs to Allah, and may His perfect blessings and peace be upon our master Muhammad, his family and Companions.

Allah Most High says in His Mighty Book, 'Take alms from their wealth, wherewith you may purify them and may make them grow' (9:104). Moreover, His Messenger ﷺ said in the rigorously-authenticated hadith that is related by the *shaykhayn*,[1] 'Islam has been built upon five [pillars]: the testimony that there is no god except Allah and that Muhammad is the Messenger of Allah, establishing the prayer, giving zakat, fasting in Ramadan and making the pilgrimage to the House for whoever is able to find a way.'

This epistle is a translation of the third in the series written on the *fiqh* of personal worship in Islam by the late Syrian Ḥanafī scholar Shaykh Muḥammad Hishām Burhānī (may Allah have mercy on him and grant him an elevated rank in Paradise).[2] As was the case with his epistle on fasting, this work was undertaken by the author under the supervision of two of the most esteemed

[1] Imams al-Bukhārī and Muslim.

[2] The author passed unto his Lord on 27 April 2014 in the city of Damascus at the age of 82.

Ḥanafī jurists of Damascus of the last century: Shaykh ʿAbd al-Wahhāb al-Ḥāfiẓ 'Dibs wa Zayt' and the author's father and guide Shaykh Muḥammad Saʿīd Burhānī. Due to the importance of these two shaykhs to this work, their biographies have been included here.

Footnotes have been added by the translator to clarify certain matters and Islamic legal terms. The section on zakat on livestock has been omitted, as has a paragraph on p. 20 regarding a slave who buys his freedom from his master, due to its limited relevance for Muslims in the West, for whom this translation is primarily aimed at. Moreover, currencies in the original Arabic were in Syrian liras and dirhams, and they have now been changed to the British pound for readers to easily understand the examples.

I would like to thank all who assisted in this work, especially Shaykh Aḥmad al-Ḥajjī al-Kurdī for clarifying certain questions, Andrew Booso for copy-editing, Muhammad Ridwaan for proofreading and Mohammed Almass for design and layout.

SHAYKH MUḤAMMAD HISHĀM BURHĀNĪ

Born in Damascus in 1932, he accompanied his father Shaykh Muḥammad Saʿīd Burhānī from a young age and through his father he thus became acquainted with the greatest scholars of that era. He would meet and attend the gatherings of some of the most eminent scholars, amongst them: Shaykh ʿAbd al-Qādir al-Askandarānī, Shaykh Ṣāliḥ al-Ḥimṣī, Shaykh Maḥmūd Saʿīd al-Ḥamzāwī and others. He drank a great deal from the spring of his father and those of his contemporaries, such as Shaykh Abū al-Khayr al-Maydānī and Shaykh ʿAbd al-Wahhāb al-Ḥāfiẓ (better known as 'Dibs wa Zayt'), Shaykh Muḥammad al-Hāshimī, the shaykh of his father, Shaykh Ḥasan al-Ḥabannakah,[1] Shaykh al-Makkī al-Kattānī,[2] Shaykh Ṣāliḥ al-Farfūr,[3] Shaykh ʿAbd al-Razzāq al-Ḥalabī and Shaykh Adīb Kallās. He studied the sacred sciences and the ancillary disciplines during various stages throughout his scholarly pursuits.

In 1952, he began memorising the Qur'an with the jurist of Damascus and specialist Qur'anic reciter Shaykh ʿAbd al-Wahhāb

[1] Known as the 'Scholar of Scholars' (*Shaykh al-Shuyūkh*), he was the Damascene teacher to many of today's scholars of Syria.

[2] A hadith master descending from the prophetic house (*sayyid*), Sufi and son of Shaykh al-Islām Muḥammad ibn Jaʿfar al-Kattānī of Morrocco.

[3] A renowned scholar and founder of the Jāmiʿ al-Fatḥ institute in Damascus, he was considered among the greatest students of the Greatest Hadith Master Shaykh Badr al-Dīn al-Ḥasanī.

'Dibs wa Zayt', under whose tutelage he completed it. He graduated from the faculty of shariah at the University of Damascus in the academic year 1958–59. His lecturers included: Shaykh Aḥmad Fahmī Abū Sunnah, Shaykh Muḥammad Muntaṣir al-Kattānī, Shaykh Muṣṭafā Zarqā, and Shaykh Abū al-Yusr ʿĀbidīn.[4] During his studies at the faculty, he would teach at the Dār al-Ḥadīth institute[5] when Shaykh Maḥmūd Rankūsī[6] was its principle. Following his graduation, he was appointed a teacher in secondary schools in Swaydā', and then later transferred as assistant lecturer in the faculty of shariah at the University of Damascus in 1959–60. In 1961 he travelled to Egypt to continue further studies at Dār al-ʿUlūm in Cairo from where he attained an MA in Islamic law with a distinction. He returned to Damascus in 1968 as a teacher and later as a lecturer in the faculty of shariah, teaching jurisprudence (*fiqh*), its principles (*uṣūl al-fiqh*) and Qur'anic exegesis. He represented the Emirates during the 1980s in various roles at the Islamic Jurisprudence Council in Jeddah for several years.

He would teach publicly in the Grand Umayyad and Tawbah Mosques, in the fields of jurisprudence, prophetic biography (*sīrah*) and Sufism (*taṣawwuf*). Amongst the works he authored are his MA thesis entitled *Sadd al-dharā'i* [Curtailing the pre-texts], *'Ilm tajwīd al-Qur'ān*, and a series of epistles in Islamic worship including the present work. He passed away on 27 April 2014 in Damascus at the age of 82.

[4] The former Grand-Mufti of Syria, he is from the family of Shaykh Muḥammad Amīn ibn ʿĀbidīn, the author of *Radd al-muḥtār ʿalā al-durr al-mukhtār* (also known as the *Ḥāshiyah Ibn ʿĀbidīn*).

[5] A renowned school for the study of hadith sciences for centuries, where many of the greatest Imams of the past had resided, including Imam al-Nawawī, al-Ḥāfiẓ Ibn Salaḥ, Imam Taqī al-Dīn al-Subkī and many others.

[6] A student of Shaykh Badr al-Dīn al-Ḥasanī.

SHAYKH MUḤAMMAD SA'ĪD BURHĀNĪ

A Ḥanafī jurist and Shādhilī Sufi master. He was born in Damascus 1311/1892. His great-grandfather migrated to Damascus from Dagestan and settled there. At the end of the First World War, in 1918, he joined the Ottoman army from which he was later given leave to complete his scholarly pursuits. He then joined the Arab Syrian army after the establishment of the Arab state in Syria, holding the position of reserve officer. And when the French attacked Damascus, he was one of the first to join the Syrian army position in Maysalūn.

He later began teaching in various schools in villages until he finally settled in Damascus. He initially studied under his father, followed by: Shaykh ʿAbd al-Qādir al-Askandarānī, the Greatest Hadith Master Shaykh Badr al-Dīn al-Ḥasanī, the mufti of Syria Shaykh ʿAṭā' Allāh al-Kasam, and Shaykh Abū al-Khayr al-Maydānī from whom he also took the Naqshabandī order prior to becoming a disciple of Shaykh al-Sayyid Muḥammad al-Hāshimī. In 1932, following the loss of his father, he took over teaching his lessons in the Tawbah Mosque. Upon his retirement in 1945, he dedicated himself to teaching and inviting others to the Sufi way after being authorised as a *murshid* (spiritual guide) during the lifetime of his Shaykh. He was made his successor and would therefore cover for his Shaykh's lessons during his absence. He was also authorised by

many scholars, such as Shaykh Badr al-Dīn al-Ḥasanī and Shaykh Maḥmūd al-ʿAṭṭār.

He stood out in humility, purity of heart, maintaining good opinion of others and remaining in constant remembrance of Allah. He was abstinent from the world and loved the friends of Allah. Along with Shaykh ʿĀrif ʿUthmān,[7] he established the gatherings devoted to invoking blessings upon the Prophet ﷺ in numerous cities within Syria. He edited, annotated and prepared indexes for numerous works including his acclaimed edition of the book *al-Hadiyyah al-ʿAlā'iyyah* [The Gift of ʿAlā']—considered an abridgement of the authoritative work in Ḥanafī jurisprudence the *Ḥāshiyah* of Ibn ʿĀbidīn—written by his son ʿAlā' al-Din ʿĀbidīn, and *al-Durar al-mubāḥah*, an authoritative Ḥanafī work on halal and haram, as well as many of his own Shaykh's works including a number of manuscripts and concise epistles in various sciences yet to be published. He passed away in 1387/1967.[8]

[7] A great gnostic and Sufi, amongst his students was the late Shaykh al-Sayyid Aḥmad Ḥabbāl of Damascus.

[8] Biographical notes taken from ʿĀbidīn, ʿAlā' al-Din. *al-Hadiyyah al-ʿAlā'iyyah* [The Gift of ʿAlā']. 5th edn. Damascus: n.p., 1416/1995.

SHAYKH ʿABD AL-WAHHĀB AL-ḤĀFIẒ 'DIBS WA ZAYT'

A jurist of the Ḥanafīs, *ḥāfiẓ* and *muqri'* (a specialist Qur'anic reciter), ʿAbd al-Wahhāb ʿAbd al-Raḥīm ibn ʿAbd-Allāh ibnʿAbd al-Qādir ibn ʿAbd al-Wahhāb al-Ḥāfiẓ, better known as 'Dibs wa Zayt'. His lineage returns back to Shaykh ʿAbd al-Qādir al-Jilānī. The family epithet Ḥāfiẓ is with reference to the many members of the family who had memorised the Qur'an.

Born in the year 1311/1892, he memorised the Qur'an with his father at a young age. He studied with Shaykh Amīn Suwayd the principles of jurisprudence (*uṣūl al-fiqh*) and Sufism (*taṣawwuf*), and also read *uṣūl al-fiqh*, Arabic language and Islamic theology with Shaykh Maḥmūd al-ʿAṭṭār. He adhered to the lessons of Shaykh Badr al-Dīn al-Ḥasanī and had a very close relationship with him, such that the latter allocated study times exclusively for him. He also studied with Shaykh ʿAbd al-Qādir al-Askandarānī, Shaykh Ṣāliḥ al-Ḥimṣī, and met the likes of Shaykh Salīm al-Masūtī[9] and Shaykh ʿAbd al-Ḥakīm al-Afghānī.[10] He took the Naqshabandī order from Shaykh ʿĪsā al-Kurdī; many scholarly discussions took place between the two where Shaykh ʿĪsā realised his acumen and deep understanding of the sacred texts and derivation of rulings,

[9] A famous Gnostic of Damascus.

[10] Author of the celebrated commentary upon *Kanz al-daqā'iq* the authoritative work on Ḥanafī jurisprudence *Kashf al-ḥaqā'iq*.

such that he said to him on one occasion, 'Devote yourself to *fiqh*, my son.' The most influential of his teachers was the mufti of the Levant Shaykh Muḥammad 'Aṭā' Allāh al-Kasam, who noticed his unique, prodigious talent and thus gifted him his personal copy of the *Ḥāshiyah* of Ibn 'Ābidīn, which he studied three times with the shaykh, once from the chapter of 'Renting and Hiring' to the end, and twice more from beginning to end. Shaykh Muḥammad 'Aṭā' was his principle teacher; he would attend all his lessons, private and public, never leaving him except for the night of his wedding, for which he was later reproached. He named him his successor (*khalīfah*) after him and nicknamed him 'Abū Ḥanīfah Junior'. He received three *ijāzah*s (authorisations) from Shaykh Badr al-Dīn al-Ḥasanī, Shaykh Muḥammad 'Aṭā' Allāh al-Kasam and Shaykh Muḥammad Riḍwān, the scholar of the Illuminated City (*al-madīnah al-munawwarah*), from whom he received an authorisation in *Dalā'il al-khayrāt* of which Shaykh Muḥammad Riḍwān was a renowned authority.

His mannerisms resembled that of the earliest generations of Muslims; hence he would renounce the world and suffice himself with little, and was scrupulous in matters of halal and haram and would not accept the invitations of many except those of his sincere companions, and of whom he was certain their food was from a halal source. He refused many positions of authority such as becoming General Mufti and the imam of the Grand Umayyad Mosque. He had deep love for the Messenger ﷺ and thus would visit Medina and be eager to perform the pilgrimage to Mecca every year, which he continued up until three years prior to his death. He had great love for the *awliyā'* (intimate friends of Allah) and would thus regularly visit their graves, especially that of Shaykh Muḥyī al-Dīn ibn 'Arabī and Shaykh Arsalān al-Dimashqī, as well as those of his parents and teachers. He gave public lessons in many mosques, including the Grand Umayyad Mosque, and private lessons at his own home and those of his friends. He was a member of the Scholars' League headed by Shaykh Abū al-Khayr al-Maydānī, and the foremost authority in

fatwa. Letters flooded in from all over the Muslim world seeking his legal verdicts; he would adopt stringency in all his affairs as he also did in issuing fatwas, and would do so according to the most authoritative opinion in the school of Imam Abū Ḥanīfah on any given issue and avoid issuing dispensations or weaker opinions.

His devotion to teaching and issuing fatwas meant he spent little time in producing literary works, though he authored a short treatise entitled *Hidāyah al-Raḥmān fī tajwīd 'ilm al-Qur'ān*, a primer on Qur'anic rules of recitation which received great acceptance in scholarly circles, and many students today not only study the work but also commit it to memory. In addition, he also supervised the production of the series of short epistles on Islamic worship written by Shaykh Hishām Burhānī. His students were later to become among the greatest luminaries of the following generation of scholars and include the late mufti of both the Ḥanafīs and Mālikīs in the Levant Shaykh Ibrāhīm al-Ya'qūbī, Shaykh As'ad al-Ṣāgharjī and many others.[11]

[11] Biographical notes taken from al-Ḥāfiẓ, Muḥammad Muṭī'. *Ta'rikh 'ulamā' Dimashq*. Damascus: Dār al-Fikr, 1406/1986, 2:829.

TRANSLITERATION KEY

ء	ʾ (A distinctive glottal stop made at the bottom of the throat.)
ا	*a, ā*
ب	*b*
ت	*t*
ث	*th* (Pronounced like the *th* in *think*.)
ج	*j*
ح	*ḥ* (Hard *h* sound made at the Adam's apple in the middle of the throat.)
خ	*kh* (Pronounced like the *ch* in Scottish *loch*.)
د	*d*
ذ	*dh* (Pronounced like the *th* in *this*.)
ر	*r*
س	*s*
ش	*sh*
ص	*ṣ* (An emphatic *s* pronounced behind the upper front teeth.)
ض	*ḍ* (An emphatic *d*-like sound made by pressing the entire tongue against the upper palate.)
ط	*ṭ* (An emphatic *t* pronounced behind the front teeth.)
ظ	*ẓ* (An emphatic *th*, like the *th* in *this*, made behind the front teeth.)
ع	ʿ (A distinctive Semitic sound made in the middle of the throat, sounding to a Western ear more like a vowel than a consonant.)
غ	*gh* (A guttural sound made at the top of the throat, resembling the untrilled German and French *r*.)
ف	*f*
ق	*q* (A guttural *k* sound produced at the back of the palate.)
ك	*k*
ل	*l*
م	*m*
ن	*n*
ه	*h*
و	*w, u, ū*
ي	*y, i, ī*

A BELIEVER'S GUIDE TO

ZAKAT

SHAYKH MUḤAMMAD HISHĀM BURHĀNĪ

AUTHOR'S INTRODUCTION

All praise belongs to Allah, who has made zakat [a means of] cleansing one's wealth, and purifying oneself, and may [Allah's] blessings and peace be upon the flag bearer of the Shariah and the one who spread the wings of justice. May Allah bless and give peace to him, his family and his Companions, the bright stars, and the pure household who struggled with their wealth and lives and expended every precious thing for Allah's sake. May Allah enable us to emulate them and follow their guidance.

To proceed: we here present the third epistle[1] to all of the Muslims by way of fulfilling the promise we have taken upon ourselves to seek His Most Sublime's pleasure, and in beneficially assisting His slaves. May Allah Most High make it purely for His noble countenance. Moreover, we present it especially to:

1. the wealthy who have neglected their obligations owed to their Lord and the poor, their brothers and families;
2. those in positions of authority who have abstained from

[1] This epistle is the third in the series on Islamic law written by the author: the first epistle was on prayer and the second on fasting. The epistle on fasting was included in *A Believer's Guide to Fasting: Two treatises on the rulings, merits and secrets of fasting*, by Shaykh ʿAbd-Allāh Sirāj al-Dīn al-Ḥusaynī and Shaykh Muḥammad Hishām Burhānī, trans. Amjad Mahmood (Birmingham, England: Heritage Press, 2013).

demanding a right [zakat] that guarantees justice in distribution of wealth amongst the members of this nation and raising the condition of the weak and the eligible amongst them;

3. the wealthy who pay zakat on their wealth while deeming it a favour from themselves and a virtue [of theirs] over the poor and the needy;
4. and those who hide behind clothes that display poverty and who pretend to be needy by [wearing] rags in order to gain sympathy [from the wealthy], and desist from earning through noble legitimate means.

Perhaps it [this epistle] will be a means for impelling those neglectful, awakening the heedless and a barrier between the greedy and their greed, so that the shining face of Islam may become manifest in fulfilling social justice amongst the people.

May Allah enable us all to do that which is right and good. All praise belongs to Allah, the Lord of the Worlds.

NOBLE VERSES FROM THE QUR'AN

- 'O you who believe, spend some of what we have given you as sustenance before a day comes when no bargaining [will avail], nor friendship' (2:254).
- 'The similitude of those who spend their wealth for the sake of Allah is like the similitude of a grain of corn which grows seven ears, in each ear a hundred grains. And Allah multiplies for whomsoever He wills, and Allah is Bounteous, the All-Knowing' (2:261).
- 'O you who believe, do not render your charities null and void by reminders [of favours] and injury' (2:264).
- 'The similitude of those who spend their wealth, seeking Allah's pleasure and to strengthen their souls, is that of a garden, high and fertile: heavy rain falls on it but makes it yield a double increase of harvest' (2:265).
- 'If you give alms openly, it is good, but if you hide it while giving it to the poor, it will be better for you, and will atone for some of your misdeeds' (2:271).
- 'Those who spend their wealth by night and day, in secret and in public, verily their reward is with their Lord: on them shall be no fear, nor shall they grieve' (2:274).

- 'Allah will deprive usury of all blessing, but will give increase for charitable deeds' (2:276).
- 'You will not attain unto piety until you spend of that which you love' (3:92).
- 'And let not those who hoard up that which Allah has bestowed upon them of His bounty think that it is better for them. Rather, it is worse for them; that which they hoard will be their collar on the Day of Resurrection' (3:180).
- 'They who hoard up gold and silver and spend it not in the way of Allah, unto them give tidings [O Muhammad] of a painful torment. On the day when it shall [all] be heated in the fire of Hell, then their foreheads and their sides and their backs shall be branded with it: this is what you hoarded up for yourselves, therefore taste what you hoarded' (9:35).
- 'Take alms from their wealth, wherewith you may purify them and may make them grow' (9:104).
- 'Successful indeed are the believers, who are humble in their prayers; and who shun vain conversation; and who give their zakat' (23:1–4).
- 'Establish prayer and give zakat; and obey the Messenger, so that you may receive mercy' (24:56).
- 'And whatsoever you spend [in charity] He will replace it. And He is the Best of Providers' (34:39).
- 'For those of you who believe and spend [in charity], theirs will be a great reward' (57:7).
- 'And those in whose wealth is a recognised right for the [needy] who asks and him who is prevented [for some reason from asking]' (70:24–25).

- 'He indeed shall be successful who purifies himself, and remembers the name of his Lord and prays. But you prefer the life of this world, even though the Hereafter is better and more lasting' (87:14–16).

NOBLE HADITHS

1. [It is narrated] on the authority of Ibn ʿAbbās ﷺ that when Allah's Messenger ﷺ sent Muʿādh [ibn Jabal] to Yemen, he said [to the latter], 'Verily, you will come to People of the Book [Christians], so call them to the testimony that there is no deity except Allah and that I am the Messenger of Allah. Thereafter inform them that Allah has made mandatory upon them charity that is taken from their rich and returned to their poor.' (Narrated by al-Bukhārī and Muslim.)
2. When people would come to the Messenger of Allah ﷺ with their charity, he would say, 'O Allah, bless them.' (Narrated by al-Bukhārī and Muslim.)
3. [It is narrated] on the authority of Umm Salamah ﷺ, who used to wear a type of jewellery made from gold, 'I said, "O Messenger of Allah, is it *kanz* (in other words, does it fall under the category of the verse 'and those who hoard their gold...')?" He replied, "If you discharge its zakat, then it is not *kanz*."' (Narrated by Abū Dāwūd and Dāraquṭnī, and graded by al-Ḥākim as authentic.)
4. [It is narrated] on the authority of ʿUqbah ibn ʿĀmir ﷺ that he said, 'I heard Allah's Messenger ﷺ say, "Every person is under the shade of his charity [i.e. on the Day of Resurrection]

until justice is established between mankind.'" (Narrated by Ibn Ḥibbān and al-Ḥākim.)

5. 'The upper-hand is better than the lower-hand, and begin with those who are under your care. The best charity is that which is given from what one does not need (*ẓahr ghinā*).[2] Whoever seeks restraint [from having to beg people], Allah will grant him restraint. Whoever seeks self-sufficiency, Allah will grant him it.' (Narrated by al-Bukhārī and Muslim.)

6. 'To whomsoever Allah gives wealth, yet he does not discharge his zakat, a bald (*aqra'*)[3] male snake that has two *zabībs*[4] will appear before him [on the Day of Resurrection], which will collar him, take him by the two corners of his mouth and then say, "I am your wealth; I am your [hoarded] treasure."' Then he recited, 'Let not those who are niggardly...' [Qur'an 3:180]. (Narrated by al-Bukhārī.)

7. 'Give charity, for a time will come upon you wherein a man will walk [carrying] his charity and will not find anyone to accept it. A man will say, "If only you had come with it yesterday, I would have accepted it; as for today, then I have no need for it."' (Narrated by al-Bukhārī.)

8. Two men came to the Messenger of Allah ﷺ: one of them complaining about poverty and the other about highway robbery. So the Messenger of Allah ﷺ said, 'As for highway robbery, then it rarely happens to you, until the caravan

[2] Literally, on the back of one's wealth. Imam al-Suyūṭī says, 'Namely, that which is given in charity by someone who does not need it for himself nor those for whom he is obligated to provide maintenance. Al-Khaṭṭābī says, "The word *ẓahr* [back] is additional in this context as an exaggeration of one's speech; its meaning is that the best charity is that which a person spends from his wealth after expending the amount that suffices [himself and his family]..."' al-Suyūṭī, Jalāl al-Dīn. *Sharḥ Sunan al-Nasā'ī*. 3rd edn. Beirut: Dār al-Bashā'ir al-Islāmiyyah, 1414/1994, 5:62–63.

[3] 'He says in *al-Nihāyah*, "It is the one that has no hair on its head, meaning a snake whose skin on its head has been shed due to its excessive poison and old age."' *Ibid.* 5:11.

[4] 'They refer to the froth appearing at the two corners of the mouth; and it has been said [that they are] two black dots over its eyes.' *Ibid.* 5:39.

[laden with food] leaves for Mecca without a protector. As for poverty, then the Last Hour will not be established until one of you goes around with his charity unable to find anyone to accept it. Then each one of you shall stand before Allah, without there being a veil between himself and Him, nor an interpreter to interpret for him; then He will surely say to him, "Did I not give you wealth?" So he will reply, "Yes, indeed." Then He will say, "Did I not send to you a messenger?" And he will reply, "Yes, indeed." Then he will look to his right and not see anything except the Fire, and then he will look to his left and not see anything except the Fire. Therefore, let each one of you guard himself from the Fire, even if it is with half a date [of charity]. If he does not find [half a date], then with a good word.' (Narrated by al-Bukhārī.)

9. A man came to the Prophet ﷺ and said, 'O Messenger of Allah, which charity is greatest in terms of reward?' He replied, 'That you give charity while you are healthy and covetous, fearing poverty and hoping for wealth. Do not procrastinate until it [your soul] reaches the throat [i.e. at death], and then you say, "[Give] So-and-so such an amount, and [give] So-and-so such an amount."' (Narrated by al-Bukhārī.)

10. 'There are seven people whom Allah Most High will shade under His shade on the day when there is no shade except His: a just ruler; a youth who grew up worshipping Allah; a man whose heart was attached to mosques; two men who loved one another for Allah's sake: they would meet one another for His sake and part from one another for His sake; a man whom a woman of nobility and beauty tried to seduce and so he said, "Verily, I fear Allah"; a man who gave charity and concealed it such that his left hand does not know what his right hand spent; and a man who remembered Allah whilst he was alone and tears flowed from his eyes.' (Narrated by al-Bukhārī.)

11. 'There is not a day in which the slaves [of Allah] wake up in the morning, except there are two angels that descend. One says,

"O Allah, grant a full reward to whoever spends [in charity]"; and the other says, "O Allah, destroy whoever withholds [from spending in charity]." (Narrated by al-Bukhārī, Muslim and al-Nasā'ī.)

12. 'No one gives charity from pure [i.e. lawfully-earned wealth] (and Allah only accepts that which is pure) except the All-Merciful takes it with His right hand,[5] even if it is a date, and then it grows in the palm of the All-Merciful until it is greater than a mountain, just as one of you rears his foal or his camel calf.' (Narrated by al-Tirmidhī, al-Nasā'ī and Ibn Mājah.)

13. [It is narrated] on the authority of Abū Hurayrah that a Bedouin came to the Prophet ﷺ and said, 'Direct me to a deed that will enter me into Paradise if I do it.' He replied, 'Worship Allah without associating anything with Him, establish the prescribed prayer, discharge the obligatory zakat and fast in Ramadan.'[6] He replied, 'By the One in whose hand is my soul, I will not do more than this.' When he departed, the Prophet ﷺ said, 'Whoever is happy to look at a man from the inhabitants of Paradise, then let him look at this [man].' (Narrated by al-Bukhārī.)

14. [It is narrated] on the authority of Abū Hurayrah ﷺ that the Prophet ﷺ said, 'There is no person who possesses gold or silver and fails to discharge from them their right, except that

[5] Al-Māzirī said, 'This hadith and those similar to it have only been expressed by words which they were accustomed to so that they may understand it. He therefore alluded by the "right-hand" to the acceptance of charity and by "growth" to the multiplication of its reward.' Qāḍī 'Iyyāḍ said, 'Since something that is pleasing and rare is received with the right-hand and taken by it, it [the right-hand] is employed in this context and metaphorically used to express acceptance and good pleasure... It has been said that [this is] what is meant by "the palm of the All-Merciful" here, and "His right-hand" is "the palm" to which charity is given [i.e. that of the poor person], and its ascription to Allah is an ascription of possession and exclusivity because of this charity being placed therein for the sake of Allah Almighty and Majestic.' *Ibid.* 5:57.

[6] 'He [the Messenger ﷺ didn't mention hajj as he [the Bedouin] was at the time performing hajj, or he [the narrator] abridged it.' 'Asqalānī, Ibn Ḥajar. *Fatḥ al-Bārī*. 3rd edn. Beirut: Iḥyā' al-Turāth al-'Arabī, 1405/1985, 3:205.

on the Day of Resurrection [there will be] metal plates [melted in the fire to such an extent that they appear to be made] from fire which will be spread out and then heated in the Hellfire; and then his sides, forehead and back will be branded with them. Then whenever they become cold, they are returned to it, on a day whose duration is 50,000 years, until judgement is established between [Allah's] slaves, so that he sees his path: either to Paradise or to the Fire.' It was said, 'O Messenger of Allah, [if this is the sin of someone who possesses gold or silver] then [what about someone who owns] camels?' He replied, 'There is no owner of camels who does not discharge their right [zakat]—and of its right is that it is milked [and fed to passers-by and wayfarers] on the day when they alight to drink water; so it is recommended to milk it and give passers-by to drink—except that he will be thrown before them on a flat land on the Day of Resurrection, [when they will be] fatter than before [in their earthly life], not a single calf of theirs will be missing, and [they will be] treading on him with their hooves and biting him with their mouths; whenever one of them passes over him another returns over him, on a day that is the duration of 50,000 years, until judgement is established between [Allah's] slaves, so that he sees his path: either to Paradise or to the Fire.' It was said, 'O Messenger of Allah, then [what about someone who owns] cattle and sheep?' He replied, 'There is no owner of cattle or sheep who does not discharge their right [zakat], except that when it is the Day of Resurrection, he will be thrown before them on a flat land, not one of them [cattle and goats] will be missing; none of them will have warped horns, nor be without horns nor possessing a broken horn. They will be butting him with their horns and treading on him. Whenever one of them passes over him another returns over him, on a day that is the duration of 50,000 years, until judgement is established between [Allah's] slaves, so that he sees his path: either to Paradise or to the Fire.' (Narrated by Abū Dāwūd, al-Nasā'ī, Ibn Mājah and Aḥmad.)

CHAPTER ONE
[Preliminaries of] zakat

Its linguistic meaning is purity and growth. Allah, Glorified is He, called the obligatory charity zakat because it purifies one and causes one's wealth to grow. He Most High said, 'Take from their wealth charity, [thereby] purifying and cleansing them' [Qur'an 9:104]. Purification and cleansing are only achieved by purifying the self from impure traits of miserliness, greed, hard-heartedness, unlawful consumption of people's wealth and all blameworthy qualities that are a cause for inciting mutual envy and enmity amongst people.

According to the definition of the [Islamic] jurists (*fuqahā'*), zakat is the transfer of possession of a certain portion of one's wealth,[7] from a certain type of wealth, to a certain type of person, [all] for Allah Most High's sake.

Exposition

- Transfer of possession: placing zakat in the hand of a poor Muslim,[8] without any benefit whatsoever to the one handing

[7] This condition of it being wealth excludes services rendered to the poor as they are not considered wealth and are thus invalid as zakat. So if someone offered a poor person free accommodation in his house and regarded that to be a valid payment of zakat, then it will not account for zakat.

[8] Either directly or through a medium, since many commission others, be they individuals or charity organisations, to pay zakat on their behalf.

over the possession of the wealth. Thus, it cannot be given to one's parents and grandparents (even distant), nor one's children and descendants, nor can one spouse give to another.[9]

- The certain portion of one's wealth: the amount that the Sacred Law has stipulated as a right for the poor from each type of *niṣāb* respectively[10] (such as 2.5 per cent from the *niṣāb* of silver, gold [or money equivalent to their value] or trade goods).
- The certain type of wealth: this is the *niṣāb* that is stipulated by the Sacred Law, such as dirhams [silver currency], dinars [gold currency] [or paper money, as in our times], trade goods or livestock. It [the *niṣāb*] makes the payment of zakat obligatory upon a legally responsible person.
- The certain type of person: they are those people whom the noble verse [of the Qur'an] refers to as the recipients eligible for zakat: 'The alms are only for the poor and the needy, and those who collect them, and those whose hearts are to be reconciled, and to free the slaves, and the debtors, and for [those striving for] the cause of Allah, and (for) the wayfarer: an obligation from Allah, and Allah is All-Knowing, All-Wise' (Qur'an 9:60). However, the share of those whose hearts are to be reconciled has been abolished, so it is impermissible to give them [zakat] as will be explained on p. 42.

[9] They are, however, permitted to give one another voluntary charity if the one given is poor.

[10] The minimum amount of wealth a person possesses obliging him to pay zakat; see p. 33 and what follows for more details.

CHAPTER TWO
The significance of zakat in Islam

Zakat is an obligation that needs to be discharged immediately and is established by [the following] categorical proofs:

1. the Noble Book [Qur'an]: in His Most High's words 'and give zakat' [Qur'an 2:43];
2. the Noble Sunnah: in his words ﷺ 'Islam is built upon five [pillars]: the testimony that there is no deity except Allah and that Muhammad is His messenger, establishing the prayer, giving zakat, fasting in Ramadan and the pilgrimage (hajj) to the House for whoever is able to find the means';[11]
3. the mass-transmitted consensus: that concurs upon its obligation since the time of the Messenger of Allah ﷺ up until today.

It is one of the five pillars of Islam. The one who denies and rejects it is a disbeliever, and the one who withholds from paying it is punished [in the Hereafter].

Allah Glorified and Most High has demanded the Muslims to pay it in thirty-two places [in the Qur'an], and there is not a single verse in the Noble Qur'an that exhorts Muslims to establish the

[11] Narrated by al-Bukhārī and Muslim.

prayer except that it is coupled with the exhortation to pay zakat. The Prophet ﷺ has warned of famine and reduced sustenance for those who withhold from paying zakat. He said, 'No people have withheld from paying zakat except they were deprived of rain, and were it not for the beasts of burden, they would not have been given rain.'[12] Furthermore, Abū Bakr and the wealthy amongst the Companions ﷺ, after he ﷺ passed away, concurred on fighting those who withhold from paying zakat.

From this, it becomes clear that:

1. zakat is personally obligatory, taken from the wealthy and spent on the poor, due to his words ﷺ to Mu'ādh, 'Take it from their wealthy [Muslims] and return it to their poor [Muslims]';
2. zakat is not considered an act of individual kindness whereby the poor are disgraced and humiliated; rather, it is a well-known right of theirs, protected and cared for by the state.

[12] Narrated by al-Ṭabarānī in *al-Mu'jam al-kabīr*.

CHAPTER THREE

The conditions that obligate the payment of zakat

Zakat is obligatory [on a person] if eight conditions are fulfilled:

1. Islam; hence, it is not obligatory on a disbeliever;
2. freedom; hence, it is not obligatory on a slave, whether a male or a female, as they do not possess anything;
3. puberty; hence, it is not obligatory on a minor, boy or girl, however much they have in their possession. Puberty is either by age, which is that he or she reach fifteen [lunar] years, or by a wet dream; additionally, in the case of a female, [it occurs through the onset of] menstruation . The Shāfi'ī masters do not regard puberty to be a condition [for the obligation to pay zakat], because [for them] the legal cause (*sabab*) [for the obligation to pay zakat] is that one has the *niṣāb*,[13] regardless of whether the owner is pubescent or not;
4. sanity; hence, it is not obligatory on an insane person, because legal responsibility (*taklīf*) comes with sanity, just as a child is only considered legally responsible upon reaching puberty;

[13] According to the scholars of fundamentals of Islamic jurisprudence (*uṣūl al-fiqh*), *sabab* is defined as that which leads to a judgement (*ḥukm*) without necessitating and causing it. al-Ṭaḥṭāwī, Aḥmad. *Ḥāshiyah al-Ṭaḥṭāwī 'alā Marāqī al-falāḥ*. 3rd edn. Beirut: Dār al-Īmān [offset of al-Bulāq], 1318/1897, 34.

5. that [one's] wealth reaches the *niṣāb*: the *niṣāb* is the amount that the Lawgiver has stipulated for each type of wealth, such as dirhams [silver coins], dinars [gold coins],[14] trade goods and livestock. A detailed explanation will be presented if Allah wills (p. 33 and what follows). Hence, [paying] zakat is not obligatory on a small quantity of wealth that does not reach the *niṣāb*, as zakat is [only payable] on what is in surplus to one's needs, due to His Most High's words 'And they ask you what they ought to spend. Say, "That which is surplus"' [Qur'an 2:219]; namely, that which is surplus to their needs;

6. that one has *complete* possession of *niṣāb*;[15] hence, zakat is not obligatory on:[16]

   a) that which is bought by a legally responsible person with the intention of trading, before or after taking possession

[14] Traditionally, people conducted financial transactions with gold and silver coins for expensive commodities and other metal coins for cheap items, which today have been replaced by paper notes and metal coins.

[15] Consequently, zakat is not obligatory on pensions until one actually receives them: 'Zakat is not obligatory on a worker or employee on these entitlements [pensions] during his period of service due to the lack of the actualisation of complete possession (*al-milk al-tām*), which is a pre-condition for the obligation of paying zakat. If it is stipulated that these entitlements are to be determined and submitted to a worker or employee, whether in one lump sum or in instalments, then his possession of them becomes complete (*tām*) and he [thereafter] pays zakat on the amount he takes possession of as wealth that is [termed] *acquired* (*al-māl al-mustafād*) [i.e. he adds it to whatever else he has of zakat-eligible wealth and pays on the total sum if it reaches the *niṣāb* at the end of the zakat year].' Shar'ī Board for the Zakat Treasury. *Aḥkām wa fatāwā al-zakāh wa ṣadaqāt wa al-nudhūr wa al-kaffārāt*. Kuwait: Maktab al-Shu'ūn al-Shar'iyyah, 1430/2009, 44.

Shaykh Aḥmad al-Ḥajjī al-Kurdī, who is a member of the Board, confirmed that zakat is not paid on uncollected pensions because they are treated as a form of weak debt (as defined in footnote 21 on p. 23); therefore, one only pays zakat on pensions—provided such funds are built on lawful money and investments—once the money comes into one's possession, and the remaining money at the end of the zakat year is added to one's other wealth in the normal manner for zakat calculation. Furthermore, such payments are only made on future holdings, in the method just described, without one having to pay zakat for previous years when the pension fund was not in one's possession. Shaykh Aḥmad al-Ḥajjī al-Kurdī, private correspondence with the translator, 1 May 2014.

[16] Here a paragraph regarding a slave who has contracted with his master to buy his freedom for a specified sum of money has been omitted.

of it[17] for the period that has passed, according to the more correct opinion; rather, [he only pays zakat on it] for the future;[18]

   b) nor is it [zakat] obligatory [on one] for lost property (such as wealth buried in a deserted land and its place is forgotten), usurped property with one not having any witnesses [to prove its owner], and nor during the time when one's property is missing (even if one finds it many years later);

   c) nor is it obligatory on wealth deposited with someone with whom he is not well acquainted, which he forgot and then later remembered. However, if he deposited it with someone he knows, but forgets and later remembers, then zakat is obligatory [for that period], due to his negligence in forgetting when he should not have [forgotten];

   d) it [zakat] is not obligatory on a debt whose debtor denies [the debt] for a number of years with the creditor not having any witnesses to substantiate his right over him, but who later finds witnesses after a number of years: for instance, the debtor who was denying the debt acknowledges [the debt that he owes] amongst a group of people;

   e) it is not obligatory on wealth that was wrongfully taken [from one], which one then regained some years later.

The evidence for the aforementioned is what has been narrated from 'Uthmān and Ibn 'Umar ﷺ: 'There is no zakat in *ḍimār* (which is wealth that cannot be benefited from despite one still having possession of it)';

[17] In Islamic law, the possession of a commodity is transferred by merely the offer from one party and the acceptance from the other, whether the commodity has been received, collected or delivered.

[18] In other words, after taking possession of it and it remaining with him for a lunar year, or when paying zakat on other savings, to which he adds the value of this.

f) it is not obligatory on a *niṣāb* that is not free from debts demanded by the creditors [literally, from slaves, i.e. of Allah], whether the debt is:

   i) for Allah Most High: such as zakat. For instance, if one had a *niṣāb* for two years in which he did not pay the zakat due on it, then there is no zakat [obligatory] on him [to pay] in the second year; [and that is] because of its diminishment by 2.5 per cent due to the debt of the first year's zakat;

   ii) for people: whether because of guaranteeing [a certain amount] (*kafālah*)[19] or [due to the debt being] deferred, even if it is his wife's deferred dowry or maintenance that has become mandatory on him by legal judgement [in court] or by mutual agreement [between the couple]. This is opposed to a debt caused by a vow, atonement (*kaffārah*) or pilgrimage, in which case zakat is necessary due to the lack of demand [from people]. A debt does not preclude the obligation to discharge the one tenth (*'ushr*) [on crops produced by a farmer] and the land tax (*kharāj*), because both of these are considered [a type of] expenditure for growing land;

g) it [zakat] is not obligatory upon the debtor [who owes a debt] to another person for the amount of debt that is obligatory upon him; instead, he [only] pays zakat on the wealth in his possession which is in surplus to his debt if it reaches the *niṣāb*.

[19] 'If, for instance, someone took a loan of 1,000 [dirhams] and 10 people guaranteed [to pay back the loan] on his behalf, and each one of them has 1,000 [dirhams] in his house and a year passes, then there is no zakat [obligatory] upon anyone of them because of it [their wealth] being occupied with the debt of guaranteeing, as he [the creditor] may take from any one of them he wishes.' 'Ābidīn, 'Alā' al-Dīn. *al-Hadiyyah al-'Alā'iyyah*. 6th edn. Damascus: Maktabah al-Imām al-Awzā'ī, 1426/2005, 198.

As for the creditor, then he pays zakat if the debt[20] reaches the *niṣāb* by itself or [when added] with what else he possesses so that the *niṣāb* is complete, or when the debtor acknowledges the debt, or when he has witnesses against him. If, however, he [the debtor] denies it [the debt] and there are no witnesses to prove against him, then [paying] zakat is not obligatory upon him as long as he does not take possession of it and a [lunar] year passes [after taking possession of it], except if he has with him that which he can add to it [such that it reaches the *niṣāb*];

7. that the *niṣāb* is complete at both ends of the year [in the beginning and the end]; hence, its diminishment during the year does not preclude the obligation to pay zakat. As for wealth that a person loses [complete] possession of after half a year or more, then zakat is no longer necessary on it because

[20] 'Al-Sarakhsī ﷺ says, "Furthermore, debts are of three types according to Imam Abū Ḥanīfah:

- a strong debt: which is in exchange for wealth that was initially for trade if it had remained in his possession; this includes loans and the exchange for trade goods [sold];
- an intermediate debt: which is that received in exchange for wealth in which there is no zakat had it remained in his possession, such as work clothes, and that which is occupied by basic needs, such as food, drink, and a house [in which one lives];
- and a weak debt: which is in exchange for anything that is not considered wealth, such as a [woman's] dowry, the remuneration for *khula'* [divorce settlement] and reconciliation (*ṣulḥ*) for murder.

Regarding the strong debt, he is not obliged to discharge [its zakat] after the passing of a year as long as he has not taken possession of 40 dirhams [a fifth of the *niṣāb*]; if he has taken possession of this [latter] amount, then he pays [zakat of] a dirham [2.5 per cent].

Regarding the intermediate debt, he is not obliged to pay [zakat on it] as long as he has not taken possession of 200 dirhams [the full *niṣāb*]; if he does, then he pays five dirhams [as zakat], and he pays for what has preceded the year before taking possession [of the intermediate debt], according to the soundest position.

Regarding the weak debt, he is not obliged to pay zakat [on it] as long as he has not taken possession [of it] and a year passes from the time of him taking its possession [unless he has other wealth that he pays zakat on, in which case he adds the amount received from the debt to it and pays zakat on them [all]]." Ghawjī, Wahbī Sulaymān. Arkān al-Islām. 1st edn. Beirut: Dār al-Bashā'ir al-Islāmiyyah, 1423/2002, 2:415–16.

charity together, then it will count as zakat, because it is stronger [as it is obligatory];

2. the intention that coincides with setting aside the entire zakat [amount] or some of it, as many people do: they isolate their wealth and calculate its zakat followed by setting aside all of the zakat [amount] from the wealth or some portion of it in a particular place so that they may gradually distribute it among poor people. In this case, it is not compulsory for one to have the intention when paying each instalment, but rather one suffices oneself with one's original intention when setting it aside. It is noteworthy that the obligation [of the payment of zakat] is not lifted by merely setting it aside; rather, it must be paid to a poor person. Therefore, if one was to set aside one's zakat, which later went missing, or was stolen or ruined, then one is not absolved of the [payment of] zakat. Instead, it is compulsory for one to pay its replacement to a poor person. An example of that would be if it [zakat] got lost in the hand of someone's agent [commissioned with the distribution of zakat] before giving it to a poor person; in this case, the person [liable for zakat] is not absolved.

Case scenario: if a legally responsible person was to donate all of his wealth in charity, then he is absolved of the [duty to pay] zakat, since he has given the [required] amount of zakat and more.

Case scenario: it is permissible to delegate someone in paying one's zakat, and it is permissible for the agent to delegate someone else without the permission [from the owner], though the intention [for zakat] from the owner [the principal] is necessary. Accordingly, the following is applicable:

a) if he was to intend [the payment of zakat] when submitting it to his agent, and thereafter the agent gives it to a poor person without an intention, it is valid;

b) it is valid to commission a non-Muslim as an agent in

paying zakat to the poor, because what is considered is the intention stemming from the principal;

c) if, when submitting [money] to an agent [for distribution], one says, 'This is voluntary (charity),' but later intends it as zakat before the agent gives it to the poor, then it is valid [as zakat];

d) if the agent was to mix his principal's wealth [with his own wealth] and give the zakat amount to the poor from this mixed wealth, then he is required to compensate the wealth, and he would be regarded as someone who voluntarily gave charity from his own wealth. This is because he [legally] possesses it [the principal's wealth] by mixing it [with his own money] and therefore has merely discharged his own wealth, except in the following circumstances:

- if the poor appoint him to collect [on their behalf], and the amount of money [collected] in the hand of the agent did not reach the *niṣāb* for each individual [poor person];
- if there is permission given for mixing [the wealth];
- the donators of the wealth give consent for their wealth to be mixed before it is given to the poor;
- if there is an indication for the permission to mix, as is the custom in charity organisations being given permission [to mix wealth]. An example of that is what people collect for a helpless poor person, due to the prevalent custom in that. Apparently (*al-ẓāhir*), it is necessary that the owners of the wealth [the donators] are aware of this custom in order for that to be indicative of permission from them;

e) if the principal instructs the agent to pay [zakat] to a particular [poor] person, but the agent ends up paying it to

someone else, then he [the agent] is liable and considered to have voluntarily given [from his own wealth], and it is mandatory on him to pay the zakat amount to the specified person from his own wealth. Similar to him is someone who leaves a bequest that Zayd, for example, is given a certain amount; [in that case,] it is not permissible for the executor to give it to someone else;

f) the agent may give it to his pubescent child who is poor if the owner of the wealth does not instruct him to give to a particular person [whom he nominates]. If his child is prepubescent, then it is necessary that he [the agent] is also poor;

g) an agent may also give [zakat] to his wife who is poor; however, the agent who is poor may not take it for himself, unless its owner says to him, 'Allocate it to wherever you want';

h) if the agent withholds from paying zakat [from] the principal's money, but instead gives from his own wealth so that he may return for its replacement from the principal's money, then it is permissible; as opposed to if he was to spend it [the principal's zakat money] initially upon himself and then pays [zakat] from his own wealth, in which case he is considered to have voluntarily given from his own wealth.

CHAPTER SIX
The types of wealth on which zakat is compulsory

1. Money of all types: gold, silver and paper money.
2. Trade goods: it includes all types of merchandise and goods intended for profit by traders and sellers, whatever the different types of merchandise, if their value reaches the *niṣāb* and a [lunar] year passes with them in one's possession.
3. Livestock: this includes camels, cattle, sheep and goats.
4. Harvest crops, fruits and grape orchards.

Exposition

1. Gold: there is no zakat [payable] on gold until it reaches 20 *mithqāl*.[25] If it reaches this amount whilst it is in excess of one's basic needs (such as one's debt, home furniture or expenditure

[25] 'The Ḥanafīs consider a *mithqāl* to be equivalent to 5 g; hence, the *niṣāb* of gold is equal to 100 g. Yet, the Shāfi'īs, Mālikīs and Ḥanbalīs consider a *mithqāl* to be equivalent to 3.60 g, so the *niṣāb* will be 72 g.' Ghawjī, Wahbī. *Arkān al-Islām*, 2:392. However, other contemporary Ḥanafīs, like Shaykh Aḥmad al-Ḥajjī al-Kurdī, are of the opinion that the weight of a *mithqāl* is 4.25 g and so the *niṣāb* of gold would be 85 g; and this conforms to the predominant opinion amongst contemporary Islamic jurists and the *fiqh* councils in modern Muslim states. On 9 May 2014, the value of 1g of gold in the United Kingdom was £24.62 according to the prices given at www.cooksongold.com; in which case the *niṣāb* of gold according to the Ḥanafīs who regard it as 85 g would be £2,092.70. Note that the value of gold and silver is constantly fluctuating, so one needs to check whether one possesses the *niṣāb* to determine whether one is liable to pay zakat.

for food) and a year passes from the time of its possession, then there is 2.5 per cent [payable as zakat].

2. Silver: there is no zakat [payable] on silver until it reaches 200 dirhams or that which is equivalent to 700 g, and its value in pure silver today is approximately £256.50.[26] So if it reaches this amount whilst being in excess of one's basic needs (such as one's debt, etc.) and a year passes from the time of its possession, then there is 2.5 per cent (five dirhams), namely 17.5 g, whose value is just over £6.40, payable as zakat.

Notes

1. One now notices a considerable disparity between the *niṣāb* of silver and the *niṣāb* of gold, but, in reality, this difference is incidental because over the passage of time the variation in the price of each one of them in relation to the other [has grown]. Originally, the price of 200 silver dirhams would have been equivalent—in terms of monetary value—to 20 *mithqāl* of gold, and that was during the era of the [Islamic] legislation that has been conveyed to us by the Messenger of Allah ﷺ. The scholars inclined towards considering the *niṣāb* as what was determined by the Messenger of Allah ﷺ, without looking at the current disparity between the two rates, and that is out of prudence and mercy to the poor; and that is to consider the *niṣāb* of silver for today, which is the opinion upon which the legal edict (fatwa) is issued.[27]

[26] Currencies have been changed in the translation from those in the original Arabic, which contained Syrian currencies; and the value calculated above was determined on 9 May 2014 according to the prices given at www.cooksongold.com.

[27] However, the view held by many of the contemporary Islamic jurists and *fiqh* councils, such as the Fiqh Council in Kuwait, is that the *niṣāb* of gold is to be adopted as the benchmark for determining whether one is deemed liable to pay zakat and eligible to receive it on paper money (which is also a position within the Ḥanafī school). And that is because the current value of the *niṣāb* of silver is insignificant and one would hardly be considered to be wealthy by possessing it. Therefore, one may adopt any one of the two opinions on the matter. Shaykh Aḥmad al-Ḥajji al-Kurdī, private correspondence with the translator, 1 May 2014.

2. Rarely do people deal with the two currencies (gold and silver) these days; they have instead substituted them for paper money and currency from other than gold or silver, such as nickel or brass, and similarly foreign paper currencies (like the pound and other rare notes) and company shares.[28]

   In all of these types [of currencies and wealth] the *niṣāb* of silver or gold is considered [as the benchmark], and one pays zakat on them just as if one actually had silver or gold, because every currency note has a value [in gold or silver] in the banks.[29]

3. Gold and silver were created by Allah Most High as currencies, however they may be; therefore, one needs to pay zakat on the *niṣāb* of either one of them, whether they are [in the form of] utensils or jewellery (such as a woman's bracelets) or rings.[30] However, gold or silver is considered in terms of weight, not in terms of [its] design; therefore, if the value of gold bracelets in terms of weight was £8,000, though in terms of their weight together with the design their value reaches £10,000, then the necessary zakat is only in relation to the weight; thus one would pay zakat on the £8,000 as no consideration is given to design.

[28] See Appendix One on p. 61.

[29] In reality, this situation disappeared many years ago, although it may have been the case at the time of the author. Nevertheless, zakat is still paid on these currency notes. 'As for various types of money, and international and local currencies, like the dinar, dollar, pound, riyal and others, then these are like gold and silver in their legal status, because they are considered (*athmān*) payments [for purchased items] by custom; thus zakat is obligatory on them [even] without the intention to trade [in them].' Al-Kurdi, Aḥmad. *Mūjaz aḥkām al-zakāh wa al-kaffārāt wa al-nudhūr fi al-fiqh al-Islāmī*, 43.

[30] 'Though it is permissible for a woman to adorn herself with gold and silver, it is not permissible for her—just as it is not permissible for a man—to use gold or silver, as in gold or silver cups, or that which is alloyed from gold or silver therein, gold or silver spoons, gold or silver watches, and anything else that can be used [other than adornment, in the case of a woman].' Ghawjī, Wahbī. *Arkān al-Islām*, 2:401. A man may only wear a silver ring the weight of a dirham (3.5 g), though it is better for him not to do so, unless there is a need, such as a person in a position of authority (like a judge) who needs to stamp documents with his ring. al-Naḥlāwī, Khalīl. *al-Durar al-mubāḥah*. 3rd edn. Damascus: Maṭba'ah al-'Ilmiyyah, 1407/1987, 43.

4. That which does not reach the *niṣāb*—of the two currencies [gold and silver]—is to be added to the other and one is to pay zakat on them both if they together reach the *niṣāb* [of any one of them]. For example, if [we assume the *niṣāb* of silver to be £500 and] one had £300 and a bracelet whose value was £300, then one would add the value of the gold bracelet to the British pounds and pay zakat on £600.[31]

5. [Zakat is payable on] a gold utensil if the majority of it is gold, while the minority is metals other than gold. And likewise is the case with silver: if the majority of it is silver, while the minority is another metal, then [these] are to be added to [other] wealth if one has it, otherwise the *niṣāb* for each is considered and one pays zakat [if it reaches the *niṣāb*]. If the minority amount of the vessel is gold or silver, then there is no zakat payable on them. There is a difference of opinion regarding vessels in which the gold and other metals are equal [in weight], and silver with other metals; prudence would require it [i.e. paying zakat].[32]

[31] Examples of currencies have again been changed from the Arabic original for relevance.

[32] Here a section regarding zakat on livestock has been omitted for purposes of brevity and due to its limited relevance for Muslims in the West, to whom this translation is primarily aimed at.

Zakat on trade goods[33]

1. Zakat is obligatory on trade goods, whether they are from the category on which zakat is obligatory (such as livestock) or others (such as clothing, weapons and various utilities) if their value reaches the *niṣāb* of gold or silver. Its owner, the trader, would therefore evaluate them according to what is more beneficial to the poor of the two *niṣāb*s of gold or silver. Accordingly, if his merchandise reaches merely the level of the silver *niṣāb* [which is now lower than the level for gold], then it is considered [sufficient as an obligation to pay zakat] and thus zakat needs to be paid.

2. It is not a condition that a year passes from the time of the actual possession of the commodity itself (such that it remains with its owner for a complete year, so that zakat upon it is considered obligatory). Rather, what is considered is that the merchandise and trade goods reach the *niṣāb* at the beginning of the year and its end (i.e. the two ends of the year), and there is no consideration given to their diminishment or exchange during the middle of it [the year].

3. Zakat is taken from the capital together with the profits according to the prices of the trade goods [at the time] when paying zakat, not according to their [original] purchase price.

4. Whoever possesses trade goods less than the *niṣāb* [of gold or silver] and, separately, gold or silver [or cash] that also does not reach the *niṣāb*, but if he was to combine the trade goods together with the gold or silver [or cash] and together they would reach a *niṣāb*, then it is obligatory on him to pay zakat.

[33] This includes anything purchased with the intention to sell. If, however, someone purchases something with the intention to sell (like a car), but later changes his mind and decides to keep it for his personal use, then there is no longer any zakat obligatory on it. If he buys something for his personal use, but then decides to sell it, again he is not liable to pay zakat on it until he actually sells it and pays zakat at the end of the zakat year on the money received, by adding it to his other savings if they together reach the *niṣāb*. al-Ṭaḥṭāwī, Aḥmad. *Ḥāshiyah al-Ṭaḥṭāwī 'alā Durr al-mukhtār*. Beirut: Dār al-Ma'rifah, n.d., 1:394.

For example, if he had trade goods to the value of £2,000 and £300 in cash, he would add the £300 to the £2,000 and would pay zakat as previously mentioned regarding the *niṣāb* of the two currencies [gold and silver].

5. There is no zakat [payable] on *'afw* [an exempt amount]: which is the amount confined between two *niṣābs*.[34]

6. If someone possessed the *niṣāb* of gold or silver, then there is [zakat of] 2.5 per cent; if it is more than the *niṣāb*, then there is nothing in the additional amount as long as it does not reach 20 per cent of the *niṣāb*.

7. It is permissible to pay [in cash] the value [for the following]: zakat, *fiṭrah* [Post-Eid charity], the *'ushr* [10 per cent zakat on crops], land tax (*kharāj*), vows (*nudhūr*)[35] and atonements (*kaffārāt*).[36] It is not permissible to pay the value [in cash] for sacrificial offerings (*ḍaḥāyā*) and *hadāyā* (the plural of *hadyī*, which is a sacrifice that is offered to the Sacred Precinct (*Ḥaram*) from camels, cattle and sheep or goats, and its minimum requirement is a sheep). The value [for those matters that can be paid in cash] is considered on the day zakat becomes obligatory, except with regards to livestock (camels,

[34] This is explained in the following point above (number 6). So, for instance, the first *niṣāb* of silver is 700 g (or its equivalent monetary value), the second is 840 g, the third is 980 g and so on; and that which is between the first and second *niṣāb*, for example, has no zakat payable on it. Therefore, if one had 750 g of silver, or its equivalent value in money, then one would only pay 2.5 per cent on the 700 g, which is the first *niṣāb*. This is the position of Imam Abū Ḥanifah. As for his two main students, Imam Muḥammad al-Shaybānī and Imam Abū Yūsuf, then they are of the opinion that zakat on money and trade goods is obligatory on any amount above the first *niṣāb*; however, they agree with Imam Abū Ḥanifah's opinion with regard to not paying zakat between two *niṣābs* on livestock. Ibn 'Ābidīn, Muḥammad Amīn. *Ḥāshiyah ibn 'Ābidīn*. 2nd edn. Beirut: Iḥyā al-Turāth al-'Arabī, 1407/1987, 2:20.

[35] Vows are either conditional or unconditional. An example of a conditional vow would be where someone makes a vow to Allah that if he recovers from a certain illness, then he will give away £100 in charity to the poor. An unconditional vow would be where someone says, 'I hereby owe Allah £100 in charity to the poor,' without stipulating any condition. al-Ṭaḥṭāwī, Aḥmad. *Ḥāshiyah al-Ṭaḥṭāwī 'alā Marāqī al-falāḥ*, 379.

[36] There are various atonements for different violations, such as deliberately breaking a fast in Ramadan, breaking an oath, and so on.

cows, sheep and goats), because their value is considered to be the day it [zakat] is paid to the poor (by consensus).

8. Whoever acquires something [that is subject to zakat] in the middle of a year—through gifts, inheritance, purchasing or bequest, and that which is gained from the original wealth (*aṣl*) (such as offspring from livestock and profit from trade goods)—it is to be added to the *niṣāb* of its category: camels are added to camels, sheep to sheep and anyone of the two currencies—gold and silver—is added to the other, and trade goods are added to the two currencies, and one pays zakat according to the original year mark, just as if he had these [additions] from the beginning of the year.

9. If someone possessing the *niṣāb* was to pay zakat in advance for the forthcoming years or for [future] *niṣāb*s, then it is valid,[37] due to the [existence of the] legal cause (*sabab*) for the obligation, which is growing possession (*al-milk al-nāmī*). For example, someone has £300 [assuming the *niṣāb* is £200], and he pays £100 for the 200 in advance for 20 years. Moreover, an example of numerous *niṣāb*s [for which he pays zakat in advance] is that he pays the aforementioned 100 for the 200 and [additionally] for the 19 forthcoming *niṣāb*s.[38] Therefore, if the *niṣāb*s are reached by him that year, it [the £100 paid] will be valid for them [the 20 *niṣāb*s], but if they were reached in another year [to the one in which he paid the zakat], then a separate zakat would be necessary for them [*niṣāb*s], though the £100 which he paid in advance will account for the zakat on the 200 for 20 years.

That is [all] valid, even if the poor person to whom the

[37] On the condition that he possesses the *niṣāb* at the time of discharging the zakat and at the expiry of the years for which he paid the zakat in advance; and as long as he does not completely lose his wealth during those years.

[38] 'For instance, if one possessed 200 [dirhams] and paid 25 in advance on 1,000, and then he acquired them [1,000] and the year expired with 1,000 in his possession, then it [the 25 he paid] will be valid for the 1,000.' Ibn al-Humām, Kamāl-Dīn. *Fatḥ al-Qadīr*. 1st edn. Beirut: Dār al-Ṣādir [offset of Būlāq edn, Egypt], 1315/1894, 1:519.

zakat wealth is given becomes [legally][39] rich before the end of the year, or dies or apostatises. That is because what is taken into consideration is that he is eligible at the time he is given it, not after it.

Zakat on crops and fruits

It is not conditional that crops and fruits reach *niṣāb*, or that a year passes [from the time of their harvest]. Therefore, 10 per cent is obligatory on every produce from the earth, whether it is a small or large quantity, whether it is irrigated by a river water or rainwater, unless it is firewood, cane or grass if it grows by itself amongst the crops. If, however, someone grows cane, trees or grass, then 10 per cent is necessary, as in the rest of the crops.

There is 5 per cent [due] on that [land] which is irrigated by a waterwheel, tractor or by an animal sprinkling water from a well, because maintenance costs thereby increase, whereas in land that is irrigated by rain or river water, they decrease.

There is no zakat on precious stones and jewels, even if they are worth thousands [of pounds], unless they are for trade. The underlying principle is that anything other than gold, silver and livestock is only subjected to zakat if it is for trade. Hence, if one was to purchase plots of land with the intention of trade, and he did not cultivate them, and whenever it was feasible for him to sell them for a known profit, he sells them, or he builds a house or houses with the intention of selling them to make profit, then in each case he needs to pay zakat on them, because they have become equivalent to trade goods.

[39] A person, according to the Shariah, is regarded as *wealthy* if he possesses the *niṣāb* of silver or gold in addition to any debts he may owe.

CHAPTER SEVEN
Those eligible and ineligible for zakat

Eligible recipients for zakat

Islam did not leave the matter of zakat for a state leader to decide, but rather clarified who are to be the recipients with a Qur'anic text that does not accept an alternative interpretation [to its literal meaning]. He Most High said, 'The alms are only for the poor and the needy, and those who collect them, and those whose hearts are to be reconciled, and to free the slaves and the debtors, and for [those striving for] the cause of Allah, and (for) the wayfarer: an obligation from Allah, and Allah is All-Knowing, All-Wise' (Qur'an 9:60). This is the definitive Qur'anic text which clarifies the categories of those who are entitled to zakat. Let us clearly expound on each category.

1. The poor: someone who possesses less than a *niṣāb* or its value, or he possesses a *niṣāb* which, however, is consumed by basic needs, even if it reaches thousands of pounds (such as a house in which he lives, a slave [employed] for service, work clothes, work tools, books of knowledge for those who need them for teaching, memorising or editing). It is valid to spend zakat on such a person, even though it is not permissible for him to ask [for zakat].
2. The destitute: someone who possesses nothing; He Most High

said, 'Or destitute (down) in the dust' [Qur'an 90:16]. Such a person needs to beg for his food and for some clothing to wear, so he is in this respect more needy than the poor. It is therefore permissible for the destitute to beg from people if he is unable to earn, as opposed to the poor person.

3. A person employed to collect and distribute [zakat]; he is someone who works in collecting zakat, which includes the *sā'ī* (one who labours between the various tribes in collecting zakat and livestock) and the *'āshir* (someone whom the [Muslim] government has appointed to collect the 10 per cent tax (*'ushr*) and its like from passers-by [i.e. traders] on highways).[40] These people are given the amount that moderately suffices them and their assistants for the period of their coming and going. If the amount that suffices them completely encompasses all of what they collected, then he is not given more than half [of what he collected], because paying half is equitable. The person employed to collect and distribute zakat may take [from it] even if he happens to be [legally] rich, because he has dedicated himself to this job and therefore needs to be given sufficiently.

4. Those whose hearts are to be reconciled: these are of three categories from amongst the disbelievers:[41]

   a) those whom the Prophet ﷺ tried to win over so that they may accept Islam and by their acceptance their tribe might [also] accept Islam;

   b) those who accepted Islam, but were nevertheless weak [in their faith] and therefore he wanted to consolidate their faith;

   c) those to whom he would give [zakat] in order to avert their harm.

   The Companions concurred on the abolishment of the portion of zakat for these [three categories above], because Islam was no longer in need of them due to its strength; or [zakat for these categories] was abrogated by his words ﷺ to Mu'ādh, 'It is to be taken from their rich and then returned to their poor.'

5. Regarding those in slavery: namely, a slave whose master has contracted with him to allow him to buy his freedom for a specified sum of money. He is given zakat in order to buy his freedom, and this is what is meant by His Most High's words 'And those in slavery' according to the opinion of most scholars, and it is [the opinion] narrated from al-Ḥasan al-Baṣrī ﷺ (amongst the greatest followers [of the Companions]). We wish to record here for Islam—with added pride—that it is the first system to combat slavery and that it has ordained a portion of its budget for the emancipation of slaves.

6. Those in debt: a debtor is someone who is under an obligation to pay off a debt and does not possess a *niṣāb* in excess of his debt. Paying [zakat] to someone of this nature is more preferable than paying to a poor person who is not a debtor, because of him [the debtor] having a greater need. They [debtors] are of various categories:

   a) someone who borrows for futile purposes and extravagance, and spends (from what he borrows) on the lawful and unlawful; the majority of the jurists are of the opinion that such a person is not to be given zakat to pay off his debt unless he repents and becomes characterised with righteousness, piety and the ability to plan and manage [his finances];

[40] These are workers who have been employed and commissioned by a Muslim state to collect, administer and distribute zakat, as opposed to charity organisations in non-Muslim states or those in Muslim states that are voluntary and are not commissioned by the state, as these are considered merely agents of the zakat-payers and therefore it is impermissible for them to take a percentage from the zakat; they may, however, charge the zakat-payers for their services. Shaykh Aḥmad al-Ḥajjī al-Kurdī, private correspondence with the translator, 1 May 2014.

[41] Category two are believers, but because they have newly accepted Islam, and their faith is weak, they have been classified with the other two categories.

b) someone who borrows for other than those reasons [explained in (a) above] for his personal interests, such as a trader who has incurred debts through trade and he is [generally] able to manage it; however, the economic climate may have destabilised him and [led to] a debt that encompasses his wealth, and the wealth he has is insufficient [to cover] his debt. Therefore, zakat can cover whatever remains of his debts thereafter, in accordance with his instructions.

7. In the cause of Allah: it is said that this refers to those soldiers who are unable to join the army of Islam due to their poverty, so zakat is lawful for them [to take] even if they are earning, since earning [a livelihood] will disable them from struggling in the path of Allah. It has also been said that they refer to those financially prevented from performing hajj. Furthermore, it has been said that *in the cause of Allah* refers to all acts of devotion, so whoever endeavours in obedience to Allah and in the cause of good is included therein if he is in need; hence, a needy student of knowledge is more worthy [of receiving zakat] if he devotes himself to benefiting others and himself [through learning].[42]

The erudite scholar (*'allāmah*) Ibn 'Ābidīn ﷺ has explicitly stated that what is spent for the purpose of teaching poor people and treating them [medically] is regarded as expenditure on them and a grant for them. Consequently, it is permissible to give zakat to charitable organisations, such as a medical organisation for the treatment of the poor, or for their learning or spending on them, in light of the fact that these organisations are acting on behalf of the poor whom they undertake to spend on.

[42] Note that whatever the interpretation of *in the way of Allah*, it is only valid to give them zakat if they are poor: '(The consequence is not manifest,) namely, it does not manifest in regards to zakat, because poverty is a condition for all [of these categories] as [mentioned] in *al-Baḥr* [by Ibn Nujaym], so it is permissible to spend [zakat] on each [category].' al-Ṭaḥṭāwi, Aḥmad. *Ḥāshiyah al-Ṭaḥṭāwī 'alā Durr al-mukhtār*. Beirut: Dār al-Ma'rifah, n.d., 1:425.

8. The wayfarer: what is meant here is a traveller who does not find (during his journey) money to deliver him back to his home, even if he has money at his home. He is only [allowed] to take that which suffices him to return back to his country, and no more, such that if he had with him enough to deliver him back to his country in terms of provision and transport, then it [zakat] is not permissible [for him to take].

He may borrow money [instead of taking zakat] if he is able, though he is not obliged to do so, because of the possibility of him being unable to pay it back. It is not necessary for him to give away in charity that which remains of the zakat money after he has access to his own wealth [upon returning home]—as [is the case with] a poor person who later becomes rich—due to the fact that he was, at the time of receipt, poor without sufficient wealth.

Note

It is valid to pay zakat to all of the abovementioned categories, or one may restrict oneself to [paying zakat to] one of them, even one person, by way of transfer of possession, not as *ibāḥah*,[43] due to His Most High's words 'and give zakat'; hence, it is not enough to just feed [the poor], unless one hands over possession of it [the food], intending thereby zakat.

It is invalid to give zakat to:

1. a non-Muslim, because the Lawgiver has ordered that it be returned to the poor Muslims;[44]

[43] This is where one permits another to partake in a meal, but without handing over the possession of the food, as opposed to giving away packed food to a poor person to take home, which would be valid as zakat as it is considered a transfer of possession.

[44] 'The *ahl al-dhimmah* [non-Muslims living under Muslim rule and protection] may be given from the general Muslim treasury, by consensus, but not from the zakat treasury. It has been established that the Muslim caliphs used to give the helpless *ahl al-dhimmah* from resources other than the zakat, to the extent that would suffice them and fulfil their mutual responsibility. Abū 'Ubayd mentioned, in his *Kitāb al-amwāl* [The Book of Wealth], the letter of 'Umar ibn 'Abd al-'Azīz ﷺ to his governor over Basra, in which [he wrote], "Look

2. build a mosque;
3. shroud a deceased person, due to the lack of transfer of possession [in 2 and 3] (which is a condition for the validity of the discharge [of zakat]);
4. a rich person who possesses the *niṣāb*—from any type of wealth—in excess of his needs, with the exception of someone who is working in the distribution of it, as previously mentioned;[45]
5. one's parents (*uṣūl*), even if distant (such as one's father, grandfather, mother and grandmother), nor to one's offspring (*furū'*), even if distant (such as one's child or grandchild, even if they are orphans, whether male or female). [This invalidity is] because the benefits of possession are already mutually shared, so the transfer of possession is not completely fulfilled.

   It is obvious that any type of financial obligation upon a person, such as the *fiṭrah* [Post-Eid charity], vow and atonements, cannot be given to one's parents and offspring. As for voluntary charity, then these people are more entitled to kindness than others;
6. one's wife, and nor can a wife give her zakat to her husband, even if she is divorced thrice and in her post-divorce waiting period, due to the fact that they mutually benefit from each other normally;

after those of the *ahl al-dhimmah* who have grown old and weak and are unable to earn, and grant them from the Muslim treasury that which will improve their state.'" Silqīnī, Ibrāhim. *al-Fiqh al-Islāmī*. 7th edn. Damacus: Jāmi'ah Dimashq, n.d., 2:96.

[45] Wealth is of three types:

- wealth that obligates one to pay zakat, which is that one possesses a *niṣāb* of *growing wealth* (*milk nāmi*) that is in excess of one's basic needs;
- wealth that prohibits one from asking [for zakat], but does not prohibit one from receiving [zakat, if given to one without asking]. This is when one possesses types of wealth in excess of one's needs, [but] on which zakat is not obligatory, such as furniture and clothes;
- and wealth that allows one to ask [for zakat], which is where one possesses no wealth at all, even if one is a healthy young man, but who is unable to find work. Ghawjī, Wahbī Sulaymān. *Arkān al-Islām*, 2:400.

7. the child of someone whose [father] is rich if he [the child] is prepubescent, because he is regarded rich due to his father being rich; however, he is not regarded rich by his mother being rich, and therefore it is permissible to give zakat to the child of a rich woman if he [the child] is poor, as opposed to a poor child who is pubescent, because he is not regarded rich due to his father being rich, even though his maintenance is obligatory upon him [the father];
8. the family members of the Messenger ﷺ,[46] because Allah Most High has made the dirt of people's wealth unlawful for them and has given them in place of that one fifth of the fifth of the spoils of war. This was the case in the past, but now the scholars have issued the legal edict that it is permissible to pay zakat to them as they no longer receive the fifth;
9. building bridges, places prepared for giving water [to travellers, for instance], roadworks, cleansing of rivers, for the performance of the pilgrimage, [legitimate] military struggle, paying the debts of the deceased and anything in which there is no transfer of possession.[47]

Whoever is raising a poor orphan, whether he is his younger brother, sister or someone else—excluding his offspring and parents—and that which he spends on them (such as clothing and food) he gives in compensation for zakat [if it is obligatory on him], then in the case of clothing there is no doubt in its validity [as zakat] because of the transfer of possession therein. As for [merely] feeding [a poor orphan], then it is not valid as zakat, because it is regarded as *ibāḥah*, as previously mentioned (in the note on p. 45), and not [regarded] as a transfer of possession, except that which he

[46] The Ḥanafīs consider this category to comprise the progeny of 'Alī, 'Abbās, Ja'far, 'Aqīl and al-Ḥārith ibn 'Abd al-Muṭṭalib, who are all from the lineage of Hāshim ibn 'Abd Manāf.

[47] Likewise it is invalid to give zakat for funding Islamic television or radio channels, *da'wa* centres, hospitals, and schools (unless it is paid to poor students, who then can spend on food, accommodation, textbooks, medicine and so forth), due to the lack of handing over possession of zakat to a legible recipient. See Silqīnī, Ibrāhim. *al-Fiqh al-Islāmī*, 97.

gives to the child who receives it with his hand; in which case it is valid, because it becomes a transfer of possession (*tamlīk*).

CHAPTER EIGHT
Miscellaneous matters

1. Anything which is considered to be of value can validly be paid as zakat. Therefore, if one was to give a poor person some clothes, shoes, sugar or bread with the intention of [paying] zakat, it would be valid.

2. Any loophole that is intended to deprive a poor person of his right is legally impermissible. As for a loophole which is beneficial for a poor person, then it is legitimate. Ibn Ḥajar mentioned in his [work] *al-Zawājir* [The deterrents] on the authority of ʿAlī ﷺ, 'Verily, Allah has mandated that a certain amount of the rich Muslims' wealth [be given] to suffice their poor, and the poor will only suffer hunger and nakedness due to the neglect of their rich. Surely, Allah will take them to account severely and will punish them painfully.'[48]

3. If one was to give, after adequate assessment (*taḥarrī*), one's zakat to a man thinking that he is poor but then realises that he is rich, or a non-Muslim, or one gives in darkness to a poor person but later realises that it was one's father, son or wife,[49]

[48] Narrated by al-Ṭabarānī in *al-Ṣaghīr* and *al-Awsaṭ*.

[49] Some of these case scenarios seem far-fetched, but scholars of Islamic law have always hypothesised them in case they or similar scenarios arise. The Ḥanafī jurists have been particularly renowned for this practice.

then one does not need to pay it again, because ascertaining these matters is through one's endeavour (*ijtihād*), not certainty (*yaqīn*). In other words, the matter is based on what one is convinced of [at the time of giving]. If one was to give without adequate assessment, then it is invalid if one realises that he [the recipient] was ineligible. If nothing becomes apparent to one [upon proper investigation], then it remains valid.

4. It is offensive to transfer zakat from one city to another; the offence is slight (*tanzīh*). If one was to transfer it, then it is valid, because an eligible recipient is any poor person. Charity within any group of people is only distributed amongst them because of the hadith of Mu'ādh, 'Take it [zakat] from their rich and return it to their poor,' except to relatives, someone more needy, someone more righteous, someone more scrupulous [in their religion], someone more beneficial to the Muslims, someone who is a student of [Sacred] knowledge, those abstinent [from worldly pursuits] or if it was paid in advance before the end of the year.

   What is considered in zakat on one's wealth is the place wherein lies his wealth, while what is considered with regards to the *ṣadaqah al-fiṭr* is the place wherein is the person who is paying the charity. Therefore, if someone had wealth in his partner or agent's hand, in other than his city, then zakat is spent on the poor people of the place wherein is his wealth, not in the city in which he is in, unless a person transfers it to:

   a) his relatives, because of the ties of kinship therein. In fact, it has been narrated in a hadith on the authority of Abū Hurayrah ﷺ that the Prophet ﷺ said, 'O Nation of Muhammad, by the One who has sent me with the truth, Allah will not accept any charity from a man who has relatives in need of his charity, yet he spends it on others. By the One in whose hand [power and control] is my soul, Allah will not look to him [out of mercy] on the Day of Resurrection';[50]

   b) or to people who are more in need than those in his city. If one was to transfer it to other than them [the locals in his city], then it would be valid for him, even though it is [slightly] offensive.[51]

5. It is valid to give zakat to eligible recipients and to enrich them,[52] although to do so is offensive, except if the one given is a debtor or someone who has dependents, in which case, it is not offensive if distribution amongst them would lead to none of them receiving a *niṣāb*, or if [after] the debtor [pays off] his debt, he still is still left without a surplus [to the level] of *niṣāb*.

6. A woman's household items that are considered essential for someone like her, such as furniture, clothing and utensils, are considered to be basic needs [upon which she is not liable to pay zakat]; and anything above that, such as jewellery, vessels and household goods which are intended for decorative purposes, if they reach the *niṣāb* amount, then she is thereby considered [legally] rich and thus not eligible for zakat.

7. Whoever has in his possession weapons [if one is a soldier], horses and servants that he needs, or a house—even if it is large—in excess of his need, then he is still regarded as poor [if he does not possess the *niṣāb* in excess of that] and zakat is lawful for him [to take].

8. Whoever has land, or a shop or house that he leases, but whose revenue does not suffice him, then it is permissible for him to take zakat.

9. If the one who is given [zakat] was sitting in a row of poor people, behaving like them, or having the same appearance

[50] Narrated by al-Ṭabarānī in *Mu'jam al-Awsaṭ*.

[51] 'Ābidīn, 'Alā' al-Dīn. *al-Hadiyyah al- 'Alā'iyyah*, 211.

[52] That is to give them the amount that renders them [legally] wealthy, which according to the Shariah is the possession of the *niṣāb*.

as them, or he begged from one and therefore one gave him [zakat], then these actions are all equivalent to ascertaining [that he is legally eligible for zakat], such that if it later transpired that he was rich, one is not obliged to pay zakat again.

10. [One's payment of] zakat would be valid if one had held some money, and then suddenly some poor people came and snatched it, and he then consented, provided he had intended at the time of setting aside [that money as zakat from the rest of his money]; or after they snatched it and he [later] consented whilst the money was still in the possession of the poor, even after a number of days.

11. If one dropped some money and a poor person picked it up, and its owner consented to it [being possessed by the poor person], while the money is [still] in the possession of the poor person [i.e. he has not spent or disposed of it], then it will account for zakat if he knows who the poor person is. If, however, he does not know who the poor person is—such that he later returned to the place where the money dropped, and did not find it, and someone told him that a poor person whom he does not know picked it up, it will not be valid as zakat, even if the owner consented to that [transfer of ownership].

12. It is not a condition that a poor person [receiving zakat] know that it is zakat; hence, if one gave him something and called it a gift or loan thereby intending zakat, then it will be valid [as zakat]. If one was to give it to his poor relatives' children on the occasion of Eid, or [gave it to] a poor person who brings some good news, it will be valid [as zakat].

13. If one gives a gift to a poor person on the occasion of a wedding, or upon his return from hajj, intending thereby zakat, then it is valid [as zakat] if that poor person was not one of the parents of the one paying nor from his offspring, as previously mentioned.

14. Absolving someone from a debt is not valid as zakat, even if the debtor was poor. So if you had £10 owing to you from someone who is poverty-stricken and you wanted to offer that [debt to him] as zakat, then give the amount [of £10] yourself while intending zakat in your heart, and after he receives it from you, then you say to him, 'Give me my debt'; it will thus be valid as zakat. However, it is better that you give him something like £11 [or more], and he repays you the £10, so that he can keep the additional pound by way of conciliation.

15. A woman gives zakat on her bracelets, rings, necklaces, earrings or other forms of gold and silver jewellery if they reach the *niṣāb* and a complete [lunar] year passes with them [in her possession].

CHAPTER NINE

Etiquette that the one paying zakat should observe

1. Hastening [in paying it] before the time it becomes obligatory, so as to manifest the desire to comply [with the divine commandment] by [swiftly] bringing joy to the hearts of the poor, and to dispel any possibility that his lower self may expose him to (compliance with the motives of one's whim and Satan); and how quickly does a person waver: 'Satan threatens you [with the prospect] of poverty and commands you to indecency' [Qur'an 2:268].

2. Paying it secretly, since that is unlikely to result in ostentation and seeking a reputation. He Most High said, 'But if you hide it while giving it to the poor, it will be better for you' [Qur'an 2:271].

3. To publicly pay it when one knows that publicising it will encourage people to emulate one, while guarding one's heart from the motives of ostentation. He Most High said, 'If you give alms openly, it is good' [Qur'an 2:271]. This is whenever the situation demands that it be publicised: either for people to follow one, or because someone only asked one in front of people. Therefore, one should not abstain from giving charity in public out of fear of ostentation; rather, one should donate charity while guarding one's heart from ostentation as much as possible.

This is the case, but there is another prohibition in giving it publicly, and that is disgracing the poor person, because he may be offended in being seen as someone needy.

4. That one does not corrupt one's charitable donation by displaying favour and offending. He Most High said, 'O you who believe, do not render your charities null and void by reminders (*mann*) [of favours] and injury' [Qur'an 2:264]. *Reminders* is for one to mention and speak about [having given] it, or for one to utilise the recipient [for one's benefit in another matter] or to be haughty towards him because of having given to him. *Injury* is for one to display it [the giving of one's charity, such that the poor person feels humiliated], or to disgrace him for being poor, or to rebuff him, or to reproach him for begging.

   The root of displaying favour is that one sees oneself as having shown kindness to a poor person and having done him a favour. It should, however, be that one sees the poor person as having been kind to oneself by accepting Allah Almighty and Majestic's right from one, wherein is one's purification and salvation from the Hellfire. As for [causing] offence, then it is that one sees oneself as better than the poor, which is ignorance, because had one known the virtue of poverty and the danger of affluence, then one would not have shown contempt for the poor; rather, one would have wished to attain his rank. How should it be otherwise when he ﷺ said, 'O Allah, let me live as someone impoverished (*miskīn*) [to You], let me die as someone impoverished and raise me amongst the group of those impoverished'?[51] This is the ultimate honour for them and the greatest example that the Messenger of Allah ﷺ has

[51] Narrated by al-Tirmidhi and Ibn Mājah. What is meant by impoverishment here is the quality of humility before Allah and not being characterised with its opposite, which is haughtiness and arrogance. Al-Ḥāfiẓ ibn Ḥajar narrates al-Bayhaqī commenting on this hadith, 'According to me, what is meant here is that he did not ask for impoverishment that entails a shortage [of wealth]; rather, he only asked for impoverishment in the sense of humility [before Allah].' 'Asqalānī, Ibn Ḥajar. *al-Talkhīṣ al-ḥabīr*. 1st edn. Egypt: Mu'assasah Qurṭabah, 1416/1995, 3:234.

illustrated in his kindness, compassion and respect for the poor and the destitute.

5. That one deems one's giving as insignificant, for if one deems it to be great, then one will become conceited about it; and conceit is one of the destructive sins and it is the one that renders [the reward for] one's deeds as null and void. It has been said, 'Generosity is not complete except by three things: deeming it insignificant, hastening in it and concealing it.'

6. That one selects [for the giving] the best, most lawful, furthest from dubiousness, the most beloved to him, the purist and the greatest of one's wealth, for Allah Most High is pure and only accepts the pure. He Most High said, 'O you who believe, spend of the good things which you have earned, and of that which We bring forth from the earth for you, and seek not the bad (with intent) to spend thereof (in charity) when you would not take it for yourselves save with disdain; and know that Allah is Self-sufficient, Praiseworthy' [Qur'an 2:267]. Furthermore, He Most High said, 'You shall not attain unto piety until you spend of what you love' [Qur'an 3:92].

7. That one selects [for receipt of one's charity] a recipient through whom his charity will grow, such as giving it to:

   a) the God-fearing: because they utilise wealth in assisting them in piety, so he will be strengthening them in their obedience [to Allah] by his giving them assistance;

   b) the poor amongst the people of knowledge [scholars and students] who have dedicated their lives for its quest. Knowledge is the most honourable act of worship, and if one of them was to occupy himself with his needs, then he would not find time to dedicate towards [seeking] knowledge nor devote himself to learning;

   c) those who conceal their needs and are not constantly advertising and complaining [about their needs], or those who have been given blessings that have disappeared and

it is hard for them to display their need [to others] and ask. He Most High said, 'The ignorant man considers them wealthy because of their dignity [in restraining themselves from begging]. You can recognise them by their mark: they do not beg of men with importunity' [Qur'an 2:273];

d) those who are unable to provide for their large number of dependents or have become confined to their homes as a result of illness, weakness or any other similar reason, such that the following words of Him Most High apply to them: '(Charity is) for those in need, who, in Allah's cause, are restricted (from travel), and cannot move about in the land, seeking (trade or work)' [Qur'an 2:273];

e) one's brothers and sisters, followed by their children, and then one's paternal uncles and aunts, and then one's maternal uncles and aunts, followed by one's other relatives and then neighbours and then those living on one's road and then those living in one's city, so that it is a charity and a means of maintaining kinship; because of what has been mentioned in the hadith that is on the authority of Abū Hurayrah ﷺ from the Prophet ﷺ, 'By the One who sent me with the truth, Allah does not accept charity from a man whilst he has relatives who are in need of his charity, yet he spends it on others. By the One in whose hand is my soul, Allah will not look towards him [with mercy] on the Day of Resurrection.'[54] 'Alī ﷺ said, 'It is more beloved to me to give a dirham to one of my brothers than for me to give away twenty dirhams in charity [to someone else].'

[54] Narrated by al-Ṭabarānī.

CHAPTER TEN

Etiquette that a poor person should observe [upon receipt of zakat]

The following discussion has been paraphrased from *Maw'iẓah al-mu'minīn* [Admonishment for the believers].

1. To know that Allah Almighty and Majestic has blessed him with zakat in order for it to assist him in obedience [to Him]. If he therefore uses it to assist himself in disobedience [to Allah], then he is ungrateful for Allah Mighty and Majestic's blessings and deserving of remoteness and wrath from Allah, Glorified is He.

2. To thank the donator and to pray for him and praise him, for he is not precluded from being a means and a way for Allah's blessings reaching him. Thanking the donator does not contradict witnessing the blessing as coming from Allah Most High. Indeed, he ﷺ said, 'Whoever is not thankful to people, then he is not thankful to Allah';[55] and he said ﷺ, 'Whoever bestows a gift upon you, then remunerate him. And if you are unable, then pray for him, so that you know that you have remunerated him.'[56]

3. To inspect what he takes: if it [appears to be] from an unlawful

[55] Narrated by Aḥmad and al-Tirmidhī.

[56] Narrated by Abū Dāwūd and al-Nasā'ī.

source, then he abstains from it out of scrupulousness. Consequently, he should not take from someone whose majority earnings are from unlawful means, except if he desperately needs it. It is better for someone who has doubts about his earnings to buy on credit so that he may consume the lawful, and thereafter pay from that wealth.

4. To avoid dubious situations and suspicion in the amount he takes; he therefore only takes the amount permissible [for him to take] and according to his need. Furthermore, he only takes [charity] if he is entitled.

APPENDIX ONE
Zakat on company shares

The following explanation is from the contemporary Syrian Ḥanafī scholar Shaykh Aḥmad al-Ḥajjī al-Kurdī:[57]

> Buying shares in a particular company means that one, legally-speaking, joins the partners who established it and now possesses a percentage of the company's wealth equivalent to the value of these company shares. Accordingly, becoming a shareholder in a company is permissible if the basis of the company's activity is lawful and legitimate [in Islam], such as trading in lawful foods, clothing and the like, and it does not trade with interest that is unlawful to take or give, or it is a manufacturing company that produces lawful goods and the like.
>
> However, it is impermissible to be a shareholder in a company by buying shares therein if the basis of the company's activity is unlawful, such as companies trading in wine, pork, [illegal] drugs and interest-based banks and other unlawful things; or its primary activity is lawful, but it nevertheless gives or borrows loans with interest that are [in Islam] unlawful. Whoever has purchased or inherited shares in such unlawful companies must immediately rid himself of them and sincerely repent to Allah Most High, and profusely perform righteous deeds.
>
> With regards to the ruling of zakat on shares, then we must begin

[57] al-Kurdī, Aḥmad. *Mūjaz aḥkām al-zakāh wa al-kaffārāt wa al-nudhūr fī al-fiqh al-Islāmī*, 55–57.

by looking at the intention of the buyer of the shares. If he bought them with the intention of selling them immediately or after a few days—immediately after their price increases—as those who deal in the international stock exchange do, and his intention is not to reap its annual profits, then in this case zakat is obligatory upon such a buyer of shares according to its market value (i.e. their value in the stock market) on the day when the [zakat] year ends. We do not mean the year in which he took possession of the shares, because these shares will not remain with him for long; rather, what we mean is his taking possession of the *niṣāb* for trade goods and cash in his general wealth. That is because these shares, in this case, are considered to be mere trade wealth and goods, and are thus added to the rest of his trade and monetary wealth, and he pays zakat on all of them together in their year. In other words, this is like someone who has various types of trade wealth, and he purchased some shares with the intention to trade with them and then his year ended after one day; he thus pays zakat on all of his trade wealth—including the value of the aforementioned shares—according to their market value on the day the year ends, irrespective of his capital on them, whether it was slight or vast.

If his intention when purchasing shares was to save them in order to reap profits year after year, then it is obligatory upon him to also pay zakat on them in addition to his other trade wealth, as mentioned previously in the first [type of] shares. However, there is a difference in the method calculating their zakat. In the case of the first [type of shares], it is obligatory upon him to pay zakat on them according to their entire market value on the day the [zakat] year ends, as mentioned above. As for this [second type], then the zakat that is obligatory is not on their entire value, but rather only on the percentage of liquid capital therein (such as cash, manufactured goods, goods under production and raw materials, etc.).

As for the company's fixed capital (such as buildings, transportation vehicles, production machinery and equipment, and anything that the company uses but does not sell), then there is no zakat on their value. Therefore, the buyer of these shares must return to the accounts department of the company wherein he purchased the shares, with the intention to keep and not immediately sell, and ask them about the percentage of [the company's] liquid capital in relation to the overall capital of the company. If, for instance, they

say to him, 'The percentage of liquid capital in relation to the overall capital wealth is 50 per cent,' then he pays zakat on half of the value of his shares. Yet, if they say to him, 'The percentage of liquid capital is 70 per cent,' then he pays zakat on 70 per cent of the value of his shares, and so forth. This is because there is no zakat payable on the company's fixed capital as long as a person does not purchase them with the intention of trading; if one purchased them with the intention of trading, then it is compulsory for him to pay zakat on them, otherwise not, as mentioned above.

If the shareholder is unable to determine the percentage of the liquid capital in the company in which he has shares, then it is necessary for him to strive to assess that [amount] according to circumstantial indicants (*qarā'in al-aḥwāl*) and all other possible ways, and then pay the zakat according to his endeavour (*ijtihād*), because that is what is in his capacity, as indicated in the noble verse 'Allah does not charge a soul except with that which is in its capacity' (Qur'an 2:286). Furthermore, it is preferable that he gives a slightly extra amount out of prudence.

It is not permissible for the directors of a company to pay zakat on behalf of the shareholders, except with the prior commission to do so. This is because zakat is an act of worship, not a tax, and so the intention [to pay it] is necessary. Therefore, if the directors pay zakat on behalf of the shareholders without their prior permission, the latter will not thereby be absolved of the [obligation of] zakat, and it will be necessary for them to pay it again; consequently, they may seek compensation from the company directors for the zakat they paid on their behalf without their permission.

The majority of jurists are of the opinion that zakat on companies' wealth is necessary upon each shareholder therein in accordance with his [proportion of the] shares if they, together with the rest of his trade wealth and money, complete a *niṣāb*, and in its [zakat] year, as previously mentioned. If they do not together constitute a *niṣāb*, then the payment of zakat on them is not obligatory upon him.

A BELIEVER'S GUIDE TO

ZAKAT

SHAYKH MUḤAMMAD HISHĀM BURHĀNĪ

Zakat, an obligatory almsgiving, is one of the five pillars of Islam. The importance of this Islamic obligation is highlighted by the fact that it is directly linked to the ritual prayer (*ṣalāt*) by Allah in the Qur'an on thirty-two occasions. Tragically, it has become something of a fallen pillar amongst Muslims today. This treatise elucidates the evidences for its importance and warnings about its negligence from the Qur'an and Sunnah. Moreover, the essential legal rulings—such as who must pay, on what, how, when and to whom—are explained clearly and comprehensively, so that even a reader with no great background in Islamic law will understand the instructions. Finally, it also contains the correct etiquette that should be observed by both the one paying the zakat and the one receiving it.

Shaykh Hishām Burhānī (1932–2014) was a Syrian scholar who was an expert in the Ḥanafī legal school, as well as a spiritual guide (*murshid*) in the Shādhilī order. He was raised in the company of leading scholars, in particular his father Shaykh Muḥammad Sa'īd Burhānī, and went on to be a lecturer in the Faculty of Shariah at the University of Damascus, where he taught Islamic law (*fiqh*), its fundamental principles (*uṣūl al-fiqh*) and Qur'anic exegesis (*tafsīr*). While living in the United Arab Emirates in the 1980s, he represented the UAE in various roles at the Islamic Jurisprudence Council in Jeddah, Saudi Arabia. He authored on various subjects, including *uṣūl al-fiqh*, recitation of the Qur'an (*tajwīd*) and a series of booklets on personal worship (one of which forms the basis of the present translation on zakat).

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